

621—4.1(20) General procedures.**4.1(1) General.**

a. The agency shall determine an appropriate bargaining unit when requested by petition. Once a unit is initially determined, parties may request by petition: reconsideration of the unit, amendment of the unit, or clarification of the unit.

b. The agency may certify an employee organization to be the exclusive bargaining representative for a unit when requested by a petition or an application for intervention. Once certified, the employee organization will be subject to retention and recertification elections and may be subject to decertification if a petition is filed by an employee of the bargaining unit. The employee organization's certification may be amended when requested by petition by the employee organization or by the public employer, or when the agency files notice.

c. The employee organization shall have its certification revoked for failure to pay its election fees, or its certification may be revoked for failure to comply with the requirements of Iowa Code section 20.25.

4.1(2) Representation elections.

a. *Initial certification, retention and recertification, and decertification elections.* The initial certification, retention and recertification, and decertification of an employee organization require elections in accordance with 621—Chapter 5. The three types of elections affecting the bargaining representative determination or an employee organization's certification status are as follows:

(1) A certification election, which is initiated by the filing of a petition by the employee organization or the public employer, for the initial certification of an employee organization to be the exclusive bargaining representative for a bargaining unit of public employees;

(2) A retention and recertification election, which is initiated by the filing of notice by the agency, for the retention and recertification of a certified employee organization; and

(3) A decertification election, which is initiated by a public employee of a bargaining unit, for the decertification of an existing certified employee organization that represents the unit.

b. *Other elections—professional/nonprofessional unit and amendment of unit.* When a bargaining unit is determined or amended, an election may be required as provided in 621—Chapter 5. The two types of other elections are as follows:

(1) A professional and nonprofessional election occurs when the agency files an order directing the election after determining that professional and nonprofessional employees are appropriately included in the same bargaining unit.

(2) An amendment of unit election occurs when the agency files an order directing the election after determining that a job classification or classifications are appropriately amended into a bargaining unit, but a question of representation exists. A question of representation exists when the amended classifications existed at the time the bargaining unit was originally determined and those classifications would separately constitute an appropriate unit.

4.1(3) Separate or combined petitions. Requests for the initial bargaining unit determination and the bargaining representative certification shall be by petitions which may be filed separately or on a combined petition form pursuant to rule 621—4.4(20). When a request has been made to a public employer to bargain collectively with a designated group of public employees and the agency has not previously determined the bargaining unit, the petitions shall be filed jointly or on a combined form prescribed by the agency.

4.1(4) Intervention and additional parties. See rule 2.4(20).

4.1(5) Withdrawal of petitions. Petitions may be withdrawn only with the consent of the board.

4.1(6) Method of filing of all petitions. All petitions and subsequent documents submitted pursuant to this chapter shall be electronically filed pursuant to 621—Chapter 16, unless otherwise stated in these rules.

[ARC 3278C, IAB 8/30/17, effective 8/10/17; ARC 3803C, IAB 5/9/18, effective 6/13/18]